

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Child Therapy Amendments
2026 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost
Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill addresses continuity of mental health treatment and services for children in, and leaving, the custody of the Division of Child and Family Services.

Highlighted Provisions:

This bill:

- requires certain insurers to offer a single case agreement to allow certain children leaving the custody of the Division of Child and Family Services (division) to receive mental health treatment and services from the mental health therapist providing those services while the child was in the custody of the division;
- requires the division to, under certain circumstances:
 - determine whether a child entering the custody of the division has a mental health therapist, and facilitate continuity of care for the child with that mental health therapist; and
 - coordinate with a child's parent or guardian or the Department of Health and Human Services when a child leaves the custody of the division to facilitate continuity of care for the child with the therapist that provided mental health treatment and services while the child was in the custody of the division;
- provides rulemaking authority; and
- defines terms.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

28 ENACTS:

29 **31A-22-663**, Utah Code Annotated 1953

30 **80-2-310**, Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **31A-22-663** is enacted to read:

34 **31A-22-663 . Continuity of mental health treatment and services for a child**
 35 **leaving foster care.**

36 (1) As used in this section:

37 (a)(i) "Covered child" means an insured child who:

38 (A) while in the custody of the Division of Child and Family Services, was
 39 receiving mental health treatment or services from a covered mental health
 40 therapist; and

41 (B) is no longer in the custody of the Division of Child and Family Services.

42 (ii) "Covered child" includes a covered child's parent or guardian acting on behalf of
 43 the covered child.

44 (iii) "Covered child" does not include an insured child who, while in the custody of
 45 the Division of Child and Family Services, was receiving mental health treatment
 46 or services from:

47 (A) a residential treatment program, as that term is defined in Section 26B-2-101;

48 (B) a day treatment program or partial hospitalization program; or

49 (C) any other facility that provides a level of care higher than traditional
 50 outpatient services where mental health treatment or services are integrated
 51 into the facility's specialized program of care.

52 (b) "Covered insurer" means an insurer that offers a health benefit plan that includes
 53 coverage for mental health treatment or services.

54 (c) "Covered mental health therapist" means a mental health therapist who provides
 55 mental health treatment and services to a covered child while the covered child is in
 56 the custody of the Division of Child and Family Services.

57 (d) "Insurer" means the same as that term is defined in Section 31A-22-634.

58 (e) "Insured child" means a child who is an enrollee in a covered insurer's health benefit
 59 plan that offers health insurance that includes coverage for mental health treatment or
 60 services.

61 (f) "Mental health therapist" means a mental health therapist as that term is defined in

62 Section 58-60-102.

63 (2) A covered insurer shall, upon request of a covered child, offer a single case agreement
64 that allows a covered child to receive covered mental health treatment and services from
65 an out-of-network covered mental health therapist, if:

66 (a) the covered child was in the custody of the Division of Child and Family Services no
67 more than 90 days before the day on which the covered child requests the single case
68 agreement; and

69 (b) the covered mental health therapist agrees to enter the single case agreement.

70 (3) A covered insurer shall include in a single case agreement described in Subsection (2):

71 (a) a requirement that the covered insurer reimburse the out-of-network provider for the
72 covered mental health treatment and services at an in-network rate by the covered
73 insurer, subject to the member cost-sharing requirements imposed by the health
74 benefit plan;

75 (b) a requirement that the covered insurer apply the same coinsurance, copayments, and
76 deductibles that would apply for the mental health treatment and services if the
77 mental health treatment and services were provided by a mental health therapist that
78 is a network provider;

79 (c) any terms that a network provider is subject to under the health benefit plan; and

80 (d) the length and scope of the single case agreement.

81 (4) Nothing in this section may be construed to require a covered insurer to pay an
82 out-of-network covered mental health therapist for services that are not otherwise
83 covered under the covered child's health benefit plan.

84 (5) A covered child shall:

85 (a) request a single case agreement under Subsection (2) before the covered child
86 receives mental health treatment or services from the covered mental health therapist;
87 and

88 (b) provide documentation with the request for a single case agreement under Subsection
89 (2):

90 (i) that the covered child received mental health treatment from the covered mental
91 health therapist while in the custody of the Division of Child and Family Services;
92 and

93 (ii) of when the covered child left the custody of the Division of Child and Family
94 Services.

95 (6) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah

96 Administrative Rulemaking Act, to implement this section.

97 Section 2. Section **80-2-310** is enacted to read:

98 **80-2-310 . Continuity of mental health treatment and services for a foster child.**

99 (1) As used in this section, "mental health therapist" means the same as that term is defined
100 in Section 58-60-102.

101 (2) When a child enters the custody of the division, the division shall:

102 (a) determine whether the child has an existing relationship with a mental health
103 therapist;

104 (b) if the child has an existing relationship with a mental health therapist, take steps to
105 facilitate continuity of the child's mental health care with the mental health therapist,
106 including by:

107 (i) contacting the mental health therapist;

108 (ii) facilitating the mental health therapist's enrollment as a Medicaid provider, if
109 applicable; or

110 (iii) if the mental health therapist is or agrees to become enrolled as a Medicaid
111 provider, entering into a contract or agreement, including a single case agreement,
112 with the mental health therapist, at a rate not to exceed the Medicaid rate, to
113 provide mental health care to the child while the child is in the custody of the
114 division.

115 (3) When a child leaves the custody of the division, the division shall take steps to facilitate
116 continuity of care with a mental health therapist providing mental health care to the child
117 while the child was in the custody of the division, including by:

118 (a) with the consent of the mental health therapist, providing the name and contact
119 information of the mental health therapist to the child's parents or guardians;

120 (b) coordinating with the department to continue the child's mental health care if the
121 child or child's parents or guardians are Medicaid-eligible; and

122 (c) coordinating with the local mental health authority where the child resides to arrange
123 for continued provision of mental health services, where appropriate.

124 (4) This section does not apply if a child in the custody of the division is placed in:

125 (a) a residential treatment program, as that term is defined in Section 26B-2-101;

126 (b) a day treatment program or partial hospitalization program; or

127 (c) any other facility that provides a level of care higher than traditional outpatient
128 services where mental health treatment or services are integrated into the facility's
129 specialized program of care.

130 (5) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
131 Administrative Rulemaking Act, to implement this section.

132 Section 3. **Effective Date.**

133 This bill takes effect on May 6, 2026.